



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,565	06/29/2001	Yoshiyuki Seki	2019.004	7968

7590 05/29/2003

Patterson, Thunte, Skaar & Christensen, L.L.C.
US Bank Building
777 East Wisconsin Avenue
Suite 2000
Milwaukee, WI 53202

EXAMINER

HO, THOMAS Y

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,565

Applicant(s)

SEKI ET AL.

Examiner

Thomas Y Ho

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-8, 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6-8, 12-13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Peters USPN4438964.

As to claim 1, Peters discloses:

- A latch 22 provided on the first part, wherein the latch engages a catch 16, which is on the second part, to prevent the lid from opening when the lid is closed (col.2, ln.7-14).
- A holding member 82, which moves between a locking position and an unlocking position.
- The holding member engages the latch at the locking position and is disengaged from the latch at the unlocking position (col.3, ln.10-20).
- A first manipulator 32 for opening the lid from an outer side of the box when the lid is closed.
- The first manipulator moves the holding member from the locking position to the unlocking position (col.4, ln.14-20).
- A key lock mechanism 36, which shifts the holding member, by an externally manipulated key, between an operational position, at which movement of the holding

Art Unit: 3677

member by the first manipulator is enabled, and a non-operational position, at which movement of the holding member by the first manipulator is disabled (col.2, ln.24-25).

- A second manipulator 84 for opening the lid from an inner side of the box when the lid is closed.
- The second manipulator moves the holding member from the locking position to the unlocking position, both when the holding member is in the non-operational position and when the holding member is in the operational position.

As to claim 2, Peters discloses:

- The second manipulator 84 is formed integrally with the holding member 82.

As to claim 6, Peters discloses:

- A biasing member 28 for forcing the first manipulator toward a home position.

As to claim 7, Peters discloses:

- A catch 16 extending from an inner surface of the box (col.2, ln.7-14).
- A latch 22 provided on the lid.
- The latch engages the catch 16 to prevent the lid from opening when the lid is closed (col.2, ln.7-14).
- A holding member 82, which moves between a locking position and an unlocking position.
- The holding member keeps the latch engaged with the catch when located at the locking position and releases the latch from the catch when located at the unlocking position (col.3, ln.10-20).

Art Unit: 3677

- A first manipulator 32 for opening the lid from an outer side of the box when the lid is closed.
- The first manipulator moves the holding member from the locking position to the unlocking position (col.4, ln.14-20) when enabled.
- A key lock mechanism 36, which shifts the holding member, by an externally manipulated key, between an operational position, at which movement of the holding member by the first manipulator is enabled, and a non-operational position, at which movement of the holding member by the first manipulator is disabled (col.2, ln.24-25).
- A second manipulator 84 for opening the lid from an inner side of the box when the lid is closed.
- The second manipulator moves the holding member from the locking position to the unlocking position, both when the holding member is in the non-operational position and when the holding member is in the operational position.

As to claim 8, Peters discloses:

- The second manipulator 84 is formed integrally with the holding member 82.

As to claim 12, Peters discloses:

- A biasing member 28 for forcing the first manipulator toward a home position.

As to claim 13, Peters discloses:

- A catch 16 extending from an inner surface of the box (col.2, ln.7-14).
- A latch 22 provided on the lid, wherein the latch engages the catch 16 to prevent the lid from opening when the lid is closed (col.2, ln.7-14).

Art Unit: 3677

- A holding member 82, which moves between a locking position and an unlocking position.
- The holding member keeps the latch engaged with the catch when located at the locking position and releases the catch from the latch when located at the unlocking position (col.3, ln.10-20).
- A first manipulator 32 for opening the lid from an outer side of the box when the lid is closed.
- The first manipulator moves the holding member from the locking position to the unlocking position (col.4, ln.14-20).
- A second manipulator 84 formed integrally with the holding member for opening the lid from an inner side of the box when the lid is closed, wherein the second manipulator moves the holding member from the locking position to the unlocking position.
- A key lock mechanism 36, which shifts the holding member, by an externally manipulated key, between an operational position, at which movement of the holding member by the first manipulator is enabled, and a non-operational position, at which movement of the holding member by the first manipulator is disabled (col.2, ln.24-25).
- The second manipulator moves the holding member from the locking to the unlocking position both when the holding member is in the non-operational position and when the holding member is in the operational position.

As to claim 16, Peters discloses:

Art Unit: 3677

- A biasing member 28 for forcing the first manipulator toward a home position.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters USPN4438964 in view of Tomaszewski USPN5894749.

As to claim 4, Peters discloses a latch comprising:

- A key lock mechanism 36 includes a rotor rotated by a key.

Peters fails to disclose or suggest the following limitations:

- The rotor is connected to the holding member.

However, Tomaszewski discloses a key lock mechanism 12 including a rotor 34 rotated by a key, wherein the rotor 34 is connected by a connection 10 to the holding member 52 (col.2, ln.48-57) because Tomaszewski discloses that it is known to be desirable to operably connect a release pawl of a latch to a key cylinder (col.1, ln.41-56) to reduce labor. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the key lock mechanism disclosed by Peters to include a connecting part between the rotor and the holding member, as taught by Tomaszewski to reduce labor. Furthermore, the rotor and holding member disclosed by Peters are connected when the key cylinder is turned to locking position.

As to claim 10, Peters discloses a latch comprising:

- A key lock mechanism 36 includes a rotor rotated by a key.

Art Unit: 3677

Tomaszewski discloses the following not disclosed by Peters:

- The rotor is connected to the holding member.

As to claim 14, Peters discloses a latch comprising:

- A key lock mechanism 36 includes a rotor rotated by a key.

Tomaszewski discloses the following not disclosed by Peters:

- The rotor is connected to the holding member.

Claim 5, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters USPN4438964 in view of Tomaszewski USPN5894749, and further in view of Orr USPN3824817.

As to claim 5, Peters fails to disclose or suggest the following limitations:

- A restricting member for restricting a rotation range of the rotor.

Orr discloses a key cylinder 12 having a rotor 70 and restricting members 116, 118 to provide a construction that is limited to left-hand or right-hand rotation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the rotor disclosed by Peters to have restricting members to restrict rotation as taught by Orr in order to limit the rotation to either left-hand or right-hand use.

As to claim 11, Orr discloses the following not disclosed by Peters:

- A restricting member for restricting a rotation range of the rotor.

As to claim 15, Orr discloses the following not disclosed by Peters:

- A restricting member for restricting a rotation range of the rotor.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters USPN4438964 in view of Steinbach DE19613865A1.

Art Unit: 3677

As to claim 17, Peters discloses:

- A latch 22 provided on the first part, wherein the latch engages a catch 16, which is on the second part, to prevent the lid from opening when the lid is closed (col.2, ln.7-14).
- A holding member 82, which moves between a locking position and an unlocking position.
- The holding member engages the latch at the locking position and is disengaged from the latch at the unlocking position (col.3, ln.10-20).
- A first manipulator 32 for opening the lid from an outer side of the box when the lid is closed.
- The first manipulator moves the holding member from the locking position to the unlocking position (col.4, ln.14-20).
- A key lock mechanism 36, which shifts the holding member, by an externally manipulated key, between an operational position, at which movement of the holding member by the first manipulator is enabled, and a non-operational position, at which movement of the holding member by the first manipulator is disabled (col.2, ln.24-25).
- A second manipulator 84 for opening the lid from an inner side of the box when the lid is closed.
- The second manipulator moves the holding member from the locking position to the unlocking position.

Peters fails to disclose or suggest:

Art Unit: 3677

- Said second manipulator having a fragile portion that is broken due to excessive force applied to the second manipulator.

Peters discloses a second manipulator 84 that is integrally connected to the holding member 82. The second manipulator of Peters is the opposing end of the bolt 26 (opposed to the engaging end 82). Steinbach discloses a bolt having a first engaging end 2a, and also having an opposing second end (corresponding to the location of the second manipulator 84 of Peters) having a fragile portion 8 that is broken due to excessive force applied by a tool 10 to the second manipulator, or second end, to secure the lock against unauthorized entry. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second manipulator disclosed by Peters to have a fragile portion, as taught by Steinbach, to prevent unauthorized entry.

As to claim 18, Steinbach discloses the following not disclosed by Peters:

- A member 8 concentrating the force in the fragile portion.

As to claim 19, Steinbach discloses the following not disclosed by Peters:

- Said fragile portion includes a notch 8 formed in the second manipulator.

Response to Arguments

Applicant's arguments filed 3/31/03 have been fully considered but they are not persuasive. Applicant states the conclusion that the prior art of Peters does not disclose or suggest a second manipulator that moves the holding member from the locking to the unlocking position both when the holding member is in the non-operational position and when the holding member is in the operational position. As evidence, applicant directs the examiner to the locking means 36 and the function of the locking means. The examiner would like to note that the

Art Unit: 3677

second manipulator, as recited in the final rejection mailed on 12/2/02, is not the locking means 36, but rather is the portion 84 on the holding means/bolt 26. The second manipulator 84 reads on the claimed limitations, including the changes submitted in amendment filed 3/31/03.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

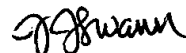
CH676730A to Stampfli discloses a door lock with deformable bolt means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

TYH
May 19, 2003



J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600